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State Bar Court of California
Hearing Department
Los Angeles
ACTUAL SUSPENSION

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Counsel for the State Bar	Case Number(s):	For Court use only
Abrahim M. Bagheri **Deputy Trial Counsel** **845 S. Figueroa Street** **Los Angeles, CA 90017** **(213) 765-1216** Bar # **294113**	**17-H-04125-CV** **17-O-03354**	**PUBLIC MATTER** FILED NOV 20 2018 STATE BAR COURT CLERK'S OFFICE LOS ANGELES
Counsel For Respondent **Kevin P. Gerry** **711 N Soledad Street** **Santa Barbara, CA 93103-2437** **(310) 383-1724** Bar # **129690**	Submitted to: **Settlement Judge** STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING **ACTUAL SUSPENSION** ☐ PREVIOUS STIPULATION REJECTED	
In the Matter of: **PAUL LAWRENCE STANTON** Bar # **58378** A Member of the State Bar of California (Respondent)		

Note: All information required by this form and any additional information which cannot be provided in the space provided, must be set forth in an attachment to this stipulation under specific headings, e.g., "Facts," "Dismissals," "Conclusions of Law," "Supporting Authority," etc.

A. Parties' Acknowledgments:

(1) Respondent is a member of the State Bar of California, admitted **December 20, 1973**.

(2) The parties agree to be bound by the factual stipulations contained herein even if conclusions of law or disposition are rejected or changed by the Supreme Court.

(3) All investigations or proceedings listed by case number in the caption of this stipulation are entirely resolved by this stipulation and are deemed consolidated. Dismissed charge(s)/count(s) are listed under "Dismissals." The stipulation consists of **16** pages, not including the order.

(4) A statement of acts or omissions acknowledged by Respondent as cause or causes for discipline is included under "Facts."

(5) Conclusions of law, drawn from and specifically referring to the facts are also included under "Conclusions of Law."

SWM 10/19/18

(6) The parties must include supporting authority for the recommended level of discipline under the heading "Supporting Authority."

(7) No more than 30 days prior to the filing of this stipulation, Respondent has been advised in writing of any pending investigation/proceeding not resolved by this stipulation, except for criminal investigations.

(8) Payment of Disciplinary Costs—Respondent acknowledges the provisions of Bus. & Prof. Code §§6086.10 & 6140.7. It is recommended that (check one option only):

☒ Costs be awarded to the State Bar in accordance with Business and Professions Code section 6086.10, and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment. Unless the time for payment of discipline costs is extended pursuant to subdivision (c) of section 6086.10, costs assessed against a member who is actually suspended or disbarred must be paid as a condition of reinstatement or return to active status.

☐ Costs be awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment. SELECT ONE of the costs must be paid with Respondent's membership fees for each of the following years: .

If Respondent fails to pay any installment as described above, or as may be modified in writing by the State Bar or the State Bar Court, the remaining balance will be due and payable immediately.

☐ Costs are waived in part as set forth in a separate attachment entitled "Partial Waiver of Costs."

☐ Costs are entirely waived.

B. Aggravating Circumstances [Standards for Attorney Sanctions for Professional Misconduct, standards 1.2(h) & 1.5]. Facts supporting aggravating circumstances are required.

(1) ☒ **Prior record of discipline:**

(a) ☒ State Bar Court case # of prior case: **13-O-11267-WKM. See pages 13, and Exhibit 1, 23 pages.**

(b) ☒ Date prior discipline effective: **December 29, 2015.**

(c) ☒ Rules of Professional Conduct/ State Bar Act violations: **Rule of Professional Conduct, rules 3-110(A), 4-100(B)(3), and 3-700(D)(1).**

(d) ☒ Degree of prior discipline: **Public reproval.**

(e) ☐ If Respondent has two or more incidents of prior discipline, use space provided below.

(2) ☐ **Intentional/Bad Faith/Dishonesty:** Respondent's misconduct was dishonest, intentional, or surrounded by, or followed by bad faith.

(3) ☐ **Misrepresentation:** Respondent's misconduct was surrounded by, or followed by, misrepresentation.

(4) ☐ **Concealment:** Respondent's misconduct was surrounded by, or followed by, concealment.

(5) ☐ **Overreaching:** Respondent's misconduct was surrounded by, or followed by, overreaching.

(6) ☐ **Uncharged Violations:** Respondent's conduct involves uncharged violations of the Business and Professions Code, or the Rules of Professional Conduct.

(7) ☐ **Trust Violation:** Trust funds or property were involved and Respondent refused or was unable to account to the client or person who was the object of the misconduct for improper conduct toward said funds or property.

(8) ☐ **Harm:** Respondent's misconduct harmed significantly a client, the public, or the administration of justice.

(9) ☒ **Indifference:** Respondent demonstrated indifference toward rectification of or atonement for the consequences of Respondent's misconduct. **See page 13.**

(10) ☐ **Candor/Lack of Cooperation:** Respondent displayed a lack of candor and cooperation to victims of Respondent's misconduct, or to the State Bar during disciplinary investigations or proceedings.

(11) ☒ **Multiple Acts:** Respondent's current misconduct evidences multiple acts of wrongdoing. **See page 13.**

(12) ☐ **Pattern:** Respondent's current misconduct demonstrates a pattern of misconduct.

(13) ☐ **Restitution:** Respondent failed to make restitution.

(14) ☐ **Vulnerable Victim:** The victim(s) of Respondent's misconduct was/were highly vulnerable.

(15) ☐ **No aggravating circumstances** are involved.

Additional aggravating circumstances:

C. Mitigating Circumstances [Standards 1.2(i) & 1.6]. Facts supporting mitigating circumstances are required.

(1) ☐ **No Prior Discipline:** Respondent has no prior record of discipline over many years of practice coupled with present misconduct which is not likely to recur.

(2) ☐ **No Harm:** Respondent did not harm the client, the public, or the administration of justice.

(3) ☐ **Candor/Cooperation:** Respondent displayed spontaneous candor and cooperation with the victims of Respondent's misconduct or to the State Bar during disciplinary investigations and proceedings.

(4) ☐ **Remorse:** Respondent promptly took objective steps demonstrating spontaneous remorse and recognition of the wrongdoing, which steps were designed to timely atone for any consequences of Respondent's misconduct.

(5) ☐ **Restitution:** Respondent paid $ on in restitution to without the threat or force of disciplinary, civil or criminal proceedings.

(6) ☐ **Delay:** These disciplinary proceedings were excessively delayed. The delay is not attributable to Respondent and the delay prejudiced Respondent.

(7) ☐ **Good Faith:** Respondent acted with a good faith belief that was honestly held and objectively reasonable.

(8) ☐ **Emotional/Physical Difficulties:** At the time of the stipulated act or acts of professional misconduct, Respondent suffered extreme emotional difficulties or physical or mental disabilities which expert testimony would establish was directly responsible for the misconduct. The difficulties or disabilities were not the product of any illegal conduct by Respondent, such as illegal drug or substance abuse, and the difficulties or disabilities no longer pose a risk that Respondent will commit misconduct.

(9) ☐ **Severe Financial Stress:** At the time of the misconduct, Respondent suffered from severe financial stress which resulted from circumstances not reasonably foreseeable or which were beyond Respondent's control and which were directly responsible for the misconduct.

(10) ☐ **Family Problems:** At the time of the misconduct, Respondent suffered extreme difficulties in Respondent's personal life which were other than emotional or physical in nature.

(11) ☐ **Good Character:** Respondent's extraordinarily good character is attested to by a wide range of references in the legal and general communities who are aware of the full extent of Respondent's misconduct.

(12) ☐ **Rehabilitation:** Considerable time has passed since the acts of professional misconduct occurred followed by convincing proof of subsequent rehabilitation.

(13) ☐ **No mitigating circumstances** are involved.

Additional mitigating circumstances:

Pretrial stipulation, see page 13.

D. Recommended Discipline:

(1) ☒ **Actual Suspension:**

Respondent is suspended from the practice of law for **one year**, the execution of that suspension is stayed, and Respondent is placed on probation for **one year** with the following conditions.

- Respondent must be suspended from the practice of law for the first **ninety (90) days** of the period of Respondent's probation.

(2) ☐ **Actual Suspension "And Until" Rehabilitation:**

Respondent is suspended from the practice of law for , the execution of that suspension is stayed, and Respondent is placed on probation for with the following conditions.

- Respondent must be suspended from the practice of law for a minimum of the first of Respondent's probation and until Respondent provides proof to the State Bar Court of Respondent's rehabilitation, fitness to practice, and present learning and ability in the general law. (Rules Proc. of State Bar, tit. IV, Stds. for Atty. Sanctions for Prof. Misconduct, std. 1.2(c)(1).)

(3) ☐ **Actual Suspension "And Until" Restitution (Single Payee) and Rehabilitation:**

Respondent is suspended from the practice of law for , the execution of that suspension is stayed, and Respondent is placed on probation for with the following conditions.

- Respondent must be suspended from the practice of law for a minimum of the first of Respondent's probation, and Respondent will remain suspended until both of the following requirements are satisfied:

a. Respondent makes restitution to in the amount of $ plus 10 percent interest per year from (or reimburses the Client Security Fund to the extent of any payment from the Fund to such payee, in accordance with Business and Professions Code section 6140.5) and furnishes satisfactory proof to the State Bar's Office of Probation in Los Angeles; and

b. Respondent provides proof to the State Bar Court of Respondent's rehabilitation, fitness to practice, and present learning and ability in the general law. (Rules Proc. of State Bar, tit. IV, Stds. for Atty. Sanctions for Prof. Misconduct, std. 1.2(c)(1).)

(4) ☐ **Actual Suspension "And Until" Restitution (Multiple Payees) and Rehabilitation:**

Respondent is suspended from the practice of law for , the execution of that suspension is stayed, and Respondent is placed on probation for with the following conditions.

- Respondent must be suspended from the practice of law for a minimum of the first of Respondent's probation, and Respondent will remain suspended until both of the following requirements are satisfied:

a. Respondent must make restitution, including the principal amount plus 10 percent interest per year (and furnish satisfactory proof of such restitution to the Office of Probation), to each of the following payees (or reimburse the Client Security Fund to the extent of any payment from the Fund to such payee in accordance with Business and Professions Code section 6140.5):

Payee	*Principal Amount*	*Interest Accrues From*

b. Respondent provides proof to the State Bar Court of Respondent's rehabilitation, fitness to practice, and present learning and ability in the general law. (Rules Proc. of State Bar, tit. IV, Stds. for Atty. Sanctions for Prof. Misconduct, std. 1.2(c)(1).)

(5) ☐ **Actual Suspension "And Until" Restitution (Single Payee) with Conditional Std. 1.2(c)(1) Requirement:**

Respondent is suspended from the practice of law for , the execution of that suspension is stayed, and Respondent is placed on probation for with the following conditions.

- Respondent must be suspended from the practice of law for a minimum for the first of Respondent's probation, and Respondent will remain suspended until the following requirements are satisfied:

a. Respondent makes restitution to in the amount of $ plus 10 percent interest per year from (or reimburses the Client Security Fund to the extent of any payment from the Fund to such payee, in accordance with Business and Professions Code section 6140.5) and furnishes satisfactory proof to the State Bar's Office of Probation in Los Angeles; and,

b. If Respondent remains suspended for two years or longer, Respondent must provide proof to the State Bar Court of Respondent's rehabilitation, fitness to practice, and present learning and ability

in the general law. (Rules Proc. of State Bar, tit. IV, Stds. for Atty. Sanctions for Prof. Misconduct, std. 1.2(c)(1).)

(6) ☐ **Actual Suspension "And Until" Restitution (Multiple Payees) with Conditional Std. 1.2(c)(1) Requirement:**

Respondent is suspended from the practice of law for , the execution of that suspension is stayed, and Respondent is placed on probation for with the following conditions.

- Respondent must be suspended from the practice of law for a minimum for the first of Respondent's probation, and Respondent will remain suspended until the following requirements are satisfied:

  a. Respondent must make restitution, including the principal amount plus 10 percent interest per year (and furnish satisfactory proof of such restitution to the Office of Probation), to each of the following payees (or reimburse the Client Security Fund to the extent of any payment from the Fund to such payee in accordance with Business and Professions Code section 6140.5):

Payee	*Principal Amount*	*Interest Accrues From*

  b. If Respondent remains suspended for two years or longer, Respondent must provide proof to the State Bar Court of Respondent's rehabilitation, fitness to practice, and present learning and ability in the general law. (Rules Proc. of State Bar, tit. IV, Stds. for Atty. Sanctions for Prof. Misconduct, std. 1.2(c)(1).)

(7) ☐ **Actual Suspension with Credit for Interim Suspension:**

Respondent is suspended from the practice of law for , the execution of that suspension is stayed, and Respondent is placed on probation for with the following conditions.

- Respondent is suspended from the practice of law for the first of probation (with credit given for the period of interim suspension which commenced on).

E. Additional Conditions of Probation:

(1) ☒ **Review Rules of Professional Conduct:** Within 30 days after the effective date of the Supreme Court order imposing discipline in this matter, Respondent must (1) read the California Rules of Professional Conduct (Rules of Professional Conduct) and Business and Professions Code sections 6067, 6068, and 6103 through 6126, and (2) provide a declaration, under penalty of perjury, attesting to Respondent's compliance with this requirement, to the State Bar's Office of Probation in Los Angeles (Office of Probation) with Respondent's first quarterly report.

(2) ☒ **Comply with State Bar Act, Rules of Professional Conduct, and Probation Conditions:** Respondent must comply with the provisions of the State Bar Act, the Rules of Professional Conduct, and all conditions of Respondent's probation.

(3) ☒ **Maintain Valid Official Membership Address and Other Required Contact Information:** Within 30 days after the effective date of the Supreme Court order imposing discipline in this matter, Respondent must make certain that the State Bar Attorney Regulation and Consumer Resources Office (ARCR) has Respondent's current office address, email address, and telephone number. If Respondent does not maintain an office, Respondent must provide the mailing address, email address, and telephone number to be used for State Bar purposes. Respondent must report, in writing, any change in the above information to ARCR, within ten (10) days after such change, in the manner required by that office.

(4) ☒ **Meet and Cooperate with Office of Probation:** Within 15 days after the effective date of the Supreme Court order imposing discipline in this matter, Respondent must schedule a meeting with Respondent's assigned probation case specialist to discuss the terms and conditions of Respondent's discipline and, within 30 days after the effective date of the court's order, must participate in such meeting. Unless otherwise instructed by the Office of Probation, Respondent may meet with the probation case specialist in person or by telephone. During the probation period, Respondent must promptly meet with representatives of the Office of Probation as requested by it and, subject to the assertion of applicable privileges, must fully, promptly, and truthfully answer any inquiries by it and provide to it any other information requested by it.

(5) ☒ **State Bar Court Retains Jurisdiction/Appear Before and Cooperate with State Bar Court:** During Respondent's probation period, the State Bar Court retains jurisdiction over Respondent to address issues concerning compliance with probation conditions. During this period, Respondent must appear before the State Bar Court as required by the court or by the Office of Probation after written notice mailed to Respondent's official membership address, as provided above. Subject to the assertion of applicable privileges, Respondent must fully, promptly, and truthfully answer any inquiries by the court and must provide any other information the court requests.

(6) ☒ **Quarterly and Final Reports:**

a. **Deadlines for Reports.** Respondent must submit written quarterly reports to the Office of Probation no later than each January 10 (covering October 1 through December 31 of the prior year), April 10 (covering January 1 through March 31), July 10 (covering April 1 through June 30), and October 10 (covering July 1 through September 30) within the period of probation. If the first report would cover less than 30 days, that report must be submitted on the next quarter date and cover the extended deadline. In addition to all quarterly reports, Respondent must submit a final report no earlier than ten (10) days before the last day of the probation period and no later than the last day of the probation period.

b. **Contents of Reports.** Respondent must answer, under penalty of perjury, all inquiries contained in the quarterly report form provided by the Office of Probation, including stating whether Respondent has complied with the State Bar Act and the Rules of Professional Conduct during the applicable quarter or period. All reports must be: (1) submitted on the form provided by the Office of Probation; (2) signed and dated after the completion of the period for which the report is being submitted (except for the final report); (3) filled out completely and signed under penalty of perjury; and (4) submitted to the Office of Probation on or before each report's due date.

c. **Submission of Reports.** All reports must be submitted by: (1) fax or email to the Office of Probation; (2) personal delivery to the Office of Probation; (3) certified mail, return receipt requested, to the Office of Probation (postmarked on or before the due date); or (4) other tracked-service provider, such as Federal Express or United Parcel Service, etc. (physically delivered to such provider on or before the due date).

d. **Proof of Compliance.** Respondent is directed to maintain proof of Respondent's compliance with the above requirements for each such report for a minimum of one year after either the period of probation

or the period of Respondent's actual suspension has ended, whichever is longer. Respondent is required to present such proof upon request by the State Bar, the Office of Probation, or the State Bar Court.

(7) ☒ **State Bar Ethics School:** Within one year after the effective date of the Supreme Court order imposing discipline in this matter, Respondent must submit to the Office of Probation satisfactory evidence of completion of the State Bar Ethics School and passage of the test given at the end of that session. This requirement is separate from any Minimum Continuing Legal Education (MCLE) requirement, and Respondent will not receive MCLE credit for attending this session. If Respondent provides satisfactory evidence of completion of the Ethics School after the date of this stipulation but before the effective date of the Supreme Court's order in this matter, Respondent will nonetheless receive credit for such evidence toward Respondent's duty to comply with this condition.

(8) ☐ **State Bar Ethics School Not Recommended:** It is not recommended that Respondent be ordered to attend the State Bar Ethics School because .

(9) ☐ **State Bar Client Trust Accounting School:** Within one year after the effective date of the Supreme Court order imposing discipline in this matter, Respondent must submit to the Office of Probation satisfactory evidence of completion of the State Bar Client Trust Accounting School and passage of the test given at the end of that session. This requirement is separate from any Minimum Continuing Legal Education (MCLE) requirement, and Respondent will not receive MCLE credit for attending this session. If Respondent provides satisfactory evidence of completion of the Client Trust Accounting School after the date of this stipulation but before the effective date of the Supreme Court's order in this matter, Respondent will nonetheless receive credit for such evidence toward Respondent's duty to comply with this condition.

(10) ☐ **Minimum Continuing Legal Education (MCLE) Courses – California Legal Ethics [Alternative to State Bar Ethics School for Out-of-State Residents]:** Because Respondent resides outside of California, within after the effective date of the Supreme Court order imposing discipline in this matter, Respondent must either submit to the Office of Probation satisfactory evidence of completion of the State Bar Ethics School and passage of the test given at the end of that session or, in the alternative, complete hours of California Minimum Continuing Legal Education-approved participatory activity in California legal ethics and provide proof of such completion to the Office of Probation. This requirement is separate from any MCLE requirement, and Respondent will not receive MCLE credit for this activity. If Respondent provides satisfactory evidence of completion of the Ethics School or the hours of legal education described above, completed after the date of this stipulation but before the effective date of the Supreme Court's order in this matter, Respondent will nonetheless receive credit for such evidence toward Respondent's duty to comply with this condition.

(11) ☐ **Criminal Probation:** Respondent must comply with all probation conditions imposed in the underlying criminal matter and must report such compliance under penalty of perjury in all quarterly and final reports submitted to the Office of Probation covering any portion of the period of the criminal probation. In each quarterly and final report, if Respondent has an assigned criminal probation officer, Respondent must provide the name and current contact information for that criminal probation officer. If the criminal probation was successfully completed during the period covered by a quarterly or final report, that fact must be reported by Respondent in such report and satisfactory evidence of such fact must be provided with it. If, at any time before or during the period of probation, Respondent's criminal probation is revoked, Respondent is sanctioned by the criminal court, or Respondent's status is otherwise changed due to any alleged violation of the criminal probation conditions by Respondent, Respondent must submit the criminal court records regarding any such action with Respondent's next quarterly or final report.

(12) ☐ **Minimum Continuing Legal Education (MCLE):** Within after the effective date of the Supreme Court order imposing discipline in this matter, Respondent must complete hour(s) of California Minimum Continuing Legal Education-approved participatory activity in SELECT ONE and must provide proof of such completion to the Office of Probation. This requirement is separate from any MCLE requirement, and Respondent will not receive MCLE credit for this activity. If Respondent provides satisfactory evidence of completion of the hours of legal education described above, completed after the

date of this stipulation but before the effective date of the Supreme Court's order in this matter, Respondent will nonetheless receive credit for such evidence toward Respondent's duty to comply with this condition.

(13) ☐ **Other:** Respondent must also comply with the following additional conditions of probation:

(14) ☐ **Proof of Compliance with Rule 9.20 Obligations:** Respondent is directed to maintain, for a minimum of one year after commencement of probation, proof of compliance with the Supreme Court's order that Respondent comply with the requirements of California Rules of Court, rule 9.20, subdivisions (a) and (c). Such proof must include: the names and addresses of all individuals and entities to whom Respondent sent notification pursuant to rule 9.20; a copy of each notification letter sent to each recipient; the original receipt or postal authority tracking document for each notification sent; the originals of all returned receipts and notifications of non-delivery; and a copy of the completed compliance affidavit filed by Respondent with the State Bar Court. Respondent is required to present such proof upon request by the State Bar, the Office of Probation, or the State Bar Court.

(15) ☐ **The following conditions are attached hereto and incorporated:**

☐ Financial Conditions ☐ Medical Conditions

☐ Substance Abuse Conditions

The period of probation will commence on the effective date of the Supreme Court order imposing discipline in this matter. At the expiration of the probation period, if Respondent has complied with all conditions of probation, the period of stayed suspension will be satisfied and that suspension will be terminated.

F. Other Requirements Negotiated by the Parties (Not Probation Conditions):

(1) ☒ **Multistate Professional Responsibility Examination Within One Year or During Period of Actual Suspension:** Respondent must take and pass the Multistate Professional Responsibility Examination administered by the National Conference of Bar Examiners within one year after the effective date of the Supreme Court order imposing discipline in this matter or during the period of Respondent's actual suspension, whichever is longer, and to provide satisfactory proof of such passage to the State Bar's Office of Probation within the same period. Failure to do so may result in suspension. (Cal. Rules of Court, rule 9.10(b).) If Respondent provides satisfactory evidence of the taking and passage of the above examination after the date of this stipulation but before the effective date of the Supreme Court's order in this matter, Respondent will nonetheless receive credit for such evidence toward Respondent's duty to comply with this requirement.

(2) ☐ **Multistate Professional Responsibility Examination Requirement Not Recommended:** It is not recommended that Respondent be ordered to take and pass the Multistate Professional Responsibility Examination because .

(3) ☒ **California Rules of Court, Rule 9.20:** Respondent must comply with the requirements of California Rules of Court, rule 9.20, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the effective date of the Supreme Court order imposing discipline in this matter. Failure to do so may result in disbarment or suspension.

For purposes of compliance with rule 9.20(a), the operative date for identification of "clients being represented in pending matters" and others to be notified is the filing date of the Supreme Court order, not any later "effective" date of the order. (*Athearn v. State Bar* (1982) 32 Cal.3d 38, 45.) Further, Respondent is required to file a rule 9.20(c) affidavit even if Respondent has no clients to notify on the date the Supreme Court filed its order in this proceeding. (*Powers v. State Bar* (1988) 44 Cal.3d 337, 341.) In addition to being punished as a crime or contempt, an attorney's failure to comply with rule 9.20

is, inter alia, cause for disbarment, suspension, revocation of any pending disciplinary probation, and denial of an application for reinstatement after disbarment. (Cal. Rules of Court, rule 9.20(d).)

(4) ☐ **California Rules of Court, Rule 9.20 – Conditional Requirement:** If Respondent remains suspended for 90 days or longer, Respondent must comply with the requirements of California Rules of Court, rule 9.20, and perform the acts specified in subdivisions (a) and (c) of that rule within 120 and 130 days, respectively, after the effective date of the Supreme Court order imposing discipline in this matter. Failure to do so may result in disbarment or suspension.

For purposes of compliance with rule 9.20(a), the operative date for identification of "clients being represented in pending matters" and others to be notified is the filing date of the Supreme Court order, not any later "effective" date of the order. (*Athearn v. State Bar* (1982) 32 Cal.3d 38, 45.) Further, Respondent is required to file a rule 9.20(c) affidavit even if Respondent has no clients to notify on the date the Supreme Court filed its order in this proceeding. (*Powers v. State Bar* (1988) 44 Cal.3d 337, 341.) In addition to being punished as a crime or contempt, an attorney's failure to comply with rule 9.20 is, inter alia, cause for disbarment, suspension, revocation of any pending disciplinary probation, and denial of an application for reinstatement after disbarment. (Cal. Rules of Court, rule 9.20(d).)

(5) ☐ **California Rules of Court, Rule 9.20, Requirement Not Recommended:** It is not recommended that Respondent be ordered to comply with the requirements of California Rules of Court, rule 9.20, because .

(6) ☐ **Other Requirements:** It is further recommended that Respondent be ordered to comply with the following additional requirements: .

ATTACHMENT TO

STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION

IN THE MATTER OF: PAUL LAWRENCE STANTON

CASE NUMBERS: 17-H-04125, 17-O-03354

FACTS AND CONCLUSIONS OF LAW.

Respondent admits that the following facts are true and that he is culpable of violations of the specified statutes and/or Rules of Professional Conduct.

Case No. 17-H-04125 (State Bar Investigation)

FACTS:

1. On November 23, 2015, the Hearing Department of the State Bar Court ("Court") issued a Decision in case no. 13-O-11267 in which it found respondent culpable of violating rules 3-110(A), rule 4-100(B)(3), and rule 3-700(D)(1) of the Rules of Professional Conduct.

2. In its November 23, 2015 Decision, the Court ordered respondent publicly reproved with conditions for two (2) years, which included among other conditions, the requirements that respondent contact the Office of Probation to schedule a meeting within thirty (30) days from the effective date of the reproval, file quarterly reports at specified intervals, attend State Bar Ethics School and provide proof of attendance to the Office of Probation, take and pass the Multistate Professional Responsibility Examination ("MPRE") and provide proof of passage to the Office of Probation, and pay restitution to his former clients in the amount of $1,100 plus interest.

3. The discipline became effective on December 29, 2015.

4. On December 15, 2015, Probation Deputy Eddie Esqueda ("Esqueda") mailed a reminder letter to respondent's official State Bar membership address, which included an Ethics School schedule, an Ethics School enrollment form, an MPRE Schedule, and a copy of relevant portions of the Court's November 23, 2015 decision which outlined respondent's responsibilities and their respective deadlines.

5. Respondent received the December 15, 2015 letter.

6. On January 28, 2016, respondent scheduled a January 29, 2016 telephonic meeting with Esqueda which was held as scheduled.

7. On January 29, 2016, Esqueda emailed respondent a document entitled "Required Meeting Record" which memorialized the issues discussed during the January 29, 2016 meeting, including, but not limited to, quarterly report deadlines, restitution, the MPRE deadline, and verification of respondent's State Bar Membership Records address and telephone number.

8. Respondent received the January 29, 2016 email.

9. On April 11, 2016, respondent untimely filed his quarterly report due by April 10, 2016. The report was also noncompliant because respondent failed to specify the reporting period and failed to report whether he complied with the State Bar Act, Rules of Professional Conduct, and conditions of reproval.

10. On April 15, 2016, Esqueda mailed and emailed a letter to respondent's official State Bar membership address advising respondent that he had failed to file a compliant quarterly report by April 10, 2016.

11. Respondent received the April 15, 2016 letter and email.

12. On June 29, 2016, Esqueda emailed respondent to remind him of Esqueda's April 15, 2016 email and to request that respondent submit a complaint quarterly report to the Office of Probation. In that email, Esqueda requested that respondent submit a compliant quarterly report to the Office of Probation.

13. Respondent received the June 29, 2016 email.

14. On July 11, 2016, respondent filed a noncompliant quarterly report that was due by April 10, 2016.

15. Respondent failed to enroll in and pass the MPRE and provide satisfactory proof of such passage to the Office of Probation by December 29, 2016.

16. Respondent failed to take and pass the test given at the end of Ethics School and provide satisfactory proof of such passage to the Office of Probation by December 29, 2016.

17. Respondent failed to file a timely quarterly report by January 10, 2017.

18. On March 23, 2017, Esqueda mailed a letter to respondent's official State Bar membership records address informing respondent of his noncompliance with the terms and conditions of his reproval because respondent failed to file timely quarterly reports due by April 10, 2016 and January 10, 2017, failed to provide proof of enrollment in and successful passage of the test given at the end of Ethics School by December 29, 2016, and failed to provide proof of successful passage of the MPRE by December 29, 2016.

19. Esqueda emailed a copy of his March 23, 2017 letter to respondent's membership records email address.

20. Respondent received the March 23, 2017 letter and email.

21. On April 10, 2017, respondent untimely filed his quarterly report due by January 10, 2017.

22. On January 10, 2018, respondent untimely filed his final report due by December 29, 2017.

23. To date, respondent has failed to provide the Office of Probation with proof of successful passage of the MPRE and proof of attendance at and passage of the test given at the end of State Bar Ethics School.

CONCLUSIONS OF LAW:

24. By failing to timely file a compliant quarterly report by April 10, 2016, timely file a quarterly report by January 10, 2017 and a final report by December 29, 2017; and timely file proof of passage of the MPRE, completion of Ethics School, and passage of the test associated with Ethics School by December 29, 2017, respondent willfully violated Rules of Professional Conduct, rule 1-110.

AGGRAVATING CIRCUMSTANCES.

Prior Record of Discipline (Std. 1.5(a)): Respondent has one prior record of discipline. Effective on December 29, 2015, respondent received a public reproval with conditions for two years for violating rules 3-110(A), 4-100(B)(3), and 3-700(D)(1) of the Rules of Professional Conduct in a single client matter. Respondent's misconduct occurred between August 2011 and May 2014 and was mitigated by no prior record of discipline and candor/cooperation with the State Bar, but was aggravated by multiple acts of misconduct, overreaching, uncharged misconduct, and significant client harm. (Exhibit 1 is a certified of respondent's prior discipline.)

The parties stipulate to the authenticity of Exhibit 1, a certified copy of respondent's prior discipline.

Indifference Towards Rectification/Atonement (Std. 1.5(k)): Respondent is indifferent towards rectification and the State Bar disciplinary system because he has still not completed his outstanding probation conditions even after the Office of Probation repeatedly notified him of his noncompliance.

Multiple Acts of Misconduct (See Std 1.5(b)): From April 2016 through present, respondent committed multiple acts of misconduct by failing to comply with five conditions of his public reproval.

MITIGATING CIRCUMSTANCES.

Pretrial Stipulation: By entering into this stipulation, respondent has acknowledged his misconduct and is entitled to mitigation for recognition of wrongdoing and saving the State Bar significant resources and time. (*Silva-Vidor v. State Bar* (1989) 49 Cal.3d 1071, 1079 [where mitigative credit was given for entering into a stipulation as to facts and culpability].)

AUTHORITIES SUPPORTING DISCIPLINE.

The Standards for Attorney Sanctions for Professional Misconduct "set forth a means for determining the appropriate disciplinary sanction in a particular case and to ensure consistency across cases dealing with similar misconduct and surrounding circumstances." (Rules Proc. of State Bar, tit. IV, Stds. For Atty. Sanctions for Prof. Misconduct, Std. 1.1; hereinafter "Standards.") The Standards help fulfill the primary purposes of discipline, which include: protection of the public, the courts, and the legal profession; maintenance of the highest professional standards; and preservation of public confidence in the legal profession. (*See*, Standard 1.1; *In re Morse* (1995) 11 Cal.4th 184, 205.)

Although not binding, the Standards are entitled to "great weight" and should be followed "whenever possible" in determining level of discipline. (*In re Silverton* (2005) 36 Cal.4th 81, 92 (*quoting In re Brown* (1995) 12 Cal.4th 205, 220 and *In re Young* (1989) 49 Cal.3d 257, 267, fn. 11).) Adherence to the Standards in the great majority of cases serves the valuable purpose of eliminating disparity and assuring consistency, that is, the imposition of similar attorney discipline for instances of similar attorney misconduct. (*In re Naney* (1990) 51 Cal.3d 186, 190.) If a recommendation is at the high end or low end of a Standard, an explanation must be given as to how the recommendation was reached. (Standard 1.1.) "Any disciplinary recommendation that deviates from the Standards must include clear reasons for the departure." (Standard 1.1; *Blair v. State Bar* (1989) 49 Cal.3d 762, 776 & fn. 5.)

In determining whether to impose a sanction greater or less than that specified in a given Standard, in addition to the factors set forth in the specific Standard, consideration is to be given to the primary purposes of discipline; the balancing of all aggravating and mitigating circumstances; the type of misconduct at issue; whether the client, public, legal system, or profession was harmed; and the member's willingness and ability to conform to ethical responsibilities in the future. (Standards 1.7(b)-(c).)

Standard 1.8(a) requires that, "If a member has a single prior record of discipline, the sanction must be greater than the previously imposed sanction unless the prior discipline was so remote in time and the previous misconduct was not serious enough that imposing greater discipline would be manifestly unjust." The burden is on respondent to show that the misconduct is minor and remote in time. (See *In re Silverton, supra*, 36 Cal. 4th at p. 92.) Respondent's misconduct is not remote because his reproval violations occurred less than one year from the effective date of his prior discipline. Moreover, respondent's conduct is not minor because more than one year has passed from the deadline by which respondent should have provided the Office of Probation with proof of his completed conditions. Respondent has yet to do so. Therefore, the exceptions under Standard 1.8(a) do not apply.

Standard 2.14 provides that actual suspension is the presumed sanction for failing to comply with a condition of discipline. The degree of sanction depends on the nature of the condition violated and the member's unwillingness or inability to comply with disciplinary orders. Here, respondent has failed to comply with five conditions of his public reproval by untimely filing two quarterly reports, failing to provide the Office of Probation with proof of passage of the MPRE by December 29, 2016, and failing to provide the Office of Probation with proof of attendance at State Bar Ethics School by December 29, 2016. Respondent has demonstrated an unwillingness and inability to comply with disciplinary orders because respondent has yet to attend Ethics School and take and pass the MPRE after nearly two years from the date each condition was due.

While respondent's conduct is mitigated by a pretrial stipulation, it is significantly aggravated by respondent's multiple acts of misconduct, indifference, and prior record of discipline. On balance, the aggravation outweighs the mitigation. Given the gravity of the misconduct, a 90-day actual suspension on the terms and conditions set forth herein is appropriate to protect the public, the courts, and the legal profession; to maintain high professional standards by attorneys; and to preserve public confidence in the legal profession.

Case law is in accord. In *Conroy v. State Bar* (1990), 51 Cal.3d 799, the court imposed a 60-day actual suspension for Conroy's failure to take and pass the Professional Responsibility Examination

(PRE) within one year of the reproval's effective date. The court deemed as mitigating Conroy's passage of the PRE at the first opportunity possible after the deadline, but found that Conroy's failure to appreciate the seriousness of the misconduct, prior record of discipline, and absence of remorse were aggravating factors.

Like Conroy, respondent failed to take and pass the MPRE. However, respondent has still not complied with two uncompleted probation conditions nearly two years from the date they were due. Moreover, more than one year has passed since the Office of Probation has notified respondent of his noncompliance, and respondent has yet to comply. Respondent's misconduct is more egregious than Conroy's misconduct. Therefore, the level of discipline set forth herein is appropriate and will adequately fulfill the purposes of attorney discipline set forth in Standard 1.1.

WAIVER OF VARIANCE BETWEEN NOTICE OF DISCIPLINARY CHARGES AND STIPULATED FACTS AND CULPABILITY.

The parties waive any discrepancy between the Notice of Disciplinary Charges filed in this matter and the factual statements and conclusions of law set forth in this stipulation.

DISMISSALS.

The parties respectfully request the Court to dismiss Count Two in the interest of justice:

Case No.	Count	Alleged Violation
17-O-03354	Two	Rules of Professional Conduct, rule 3-700(D)(1)

COSTS OF DISCIPLINARY PROCEEDINGS.

Respondent acknowledges that the Office of Chief Trial Counsel has informed respondent that as of October 18, 2018, the discipline costs in this matter are approximately $10,583. Respondent further acknowledges that should this stipulation be rejected or should relief from the stipulation be granted, the costs in this matter may increase due to the cost of further proceedings.

In the Matter of:	Case Number(s):
PAUL LAWRENCE STANTON	17-H-04125-CV 17-O-03354

SIGNATURE OF THE PARTIES

By their signatures below, the parties and their counsel, as applicable, signify their agreement with each of the recitations and each of the terms and conditions of this Stipulation Re Facts, Conclusions of Law, and Disposition.

10/22/18 Date	Respondent's Signature	Paul Lawrence Stanton Print Name
10-22-18 Date	Respondent's Counsel Signature	Kevin P. Gerry Print Name
10-22-18 Date	Deputy Trial Counsel's Signature	Abrahim M. Bagheri Print Name

(Do not write above this line.)

In the Matter of:	Case Number(s):
PAUL LAWRENCE STANTON	17-H-04125-CV 17-O-03354

ACTUAL SUSPENSION ORDER

Finding the stipulation to be fair to the parties and that it adequately protects the public, IT IS ORDERED that the requested dismissal of counts/charges, if any, is GRANTED without prejudice, and:

- ☐ The stipulated facts and disposition are APPROVED and the DISCIPLINE RECOMMENDED to the Supreme Court.
- ☒ The stipulated facts and disposition are APPROVED AS MODIFIED as set forth below, and the DISCIPLINE IS RECOMMENDED to the Supreme Court.
- ☐ All Hearing dates are vacated.

On page 9 of the Stipulation, an "X" is inserted in the box at paragraph E.(14).

On page 14 of the Stipulation, at paragraph 4, line 4, "and a final report" is inserted after "reports."

The parties are bound by the stipulation as approved unless: 1) a motion to withdraw or modify the stipulation, filed within 15 days after service of this order, is granted; or 2) this court modifies or further modifies the approved stipulation. (See Rules Proc. of State Bar, rule 5.58(E) & (F).) **The effective date of this disposition is the effective date of the Supreme Court order herein, normally 30 days after the filed date of the Supreme Court order. (See Cal. Rules of Court, rule 9.18(a).)**

November 19, 2018
Date

Rebecca Meyer Rosenberg
REBECCA MEYER ROSENBERG, JUDGE PRO TEM
~~Judge of the~~ State Bar Court

PUBLIC MATTER

FILED
NOV 23 2015 P.B.
STATE BAR COURT
CLERK'S OFFICE
LOS ANGELES

STATE BAR COURT OF CALIFORNIA

HEARING DEPARTMENT - LOS ANGELES

In the Matter of PAUL LAWRENCE STANTON, Member No. 58378, A Member of the State Bar.	Case No.: 13-O-11267-WKM DECISION & PUBLIC REPROVAL WITH CONDITIONS ATTACHED

Introduction

In this contested, original disciplinary proceeding, the State Bar's Office of the Chief Trial Counsel (OCTC) charges respondent PAUL LAWRENCE STANTON, with five counts of professional misconduct in a single client matter. Specifically, OCTC charges respondent with willfully violating (1) rule 3-110(A) of the State Bar Rules of Professional Conduct[1] (failure to perform with competence); (2) rule 4-100(B)(3) (failure to account for client funds); (3) section 6068, subdivision (m) of Business and Professions Code[2] (failure to respond to client inquiries); (4) section 6068, subdivision (m) (failure to inform client of significant developments); and (5) rule 3-700(D)(1) (failure to release file).

For the reasons set forth below, the court finds, by clear and convincing evidence, that respondent is culpable on three of the five counts. Moreover, the court concludes that the

[1] Unless otherwise noted, all future references to rules are to the State Bar Rules of Professional Conduct.

[2] Unless otherwise noted, all future references to sections are to the Business and Professions Code.

appropriate level of discipline for the found misconduct is a public reproval with conditions attached for two years, including paying restitution with interest to his former clients for the $1,100 that they paid a successor attorney to complete the legal services respondent failed to perform.

Significant Procedural History

OCTC filed the notice of disciplinary charges (NDC) in this matter on December 23, 2014. Thereafter, respondent filed his response to the NDC on January 13, 2015.

This matter was originally assigned to State Bar Court Judge Patrice E. McElroy. However, effective May 20, 2015, the matter was reassigned to the undersigned State Bar Court Judge for all purposes.

On August 12, 2015, the parties filed a partial stipulation of facts and admission of documents. A one-day trial was held on August 12, 2015. Both parties filed post-trial briefs, and the court took the matter under submission for decision on August 26, 2015.[3]

At trial, OCTC was represented at trial by Deputy Trial Counsel Ann J. Kim. Respondent was represented by Kevin Gerry, Esq.

Findings of Fact and Conclusions of Law

The following findings of fact are based on respondent's response to the NDC, the parties' August 12, 2015, partial stipulation of facts and conclusions of law and admission of documents, and the documentary and testimonial evidence admitted at trial.

Jurisdiction

Respondent was admitted to the practice of law in the State of California on December 20, 1973. Respondent has been a member of the State Bar of California since that date.

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[3] Respondent filed his post-trial brief one day late, on August 27, 2015.

Case Number 13-O-11267 – The Kazliner Matter

Findings of Fact

On April 12, 2008, Bernard Kazliner executed an amendment to his living trust, the Bernard Kazliner Family Living Trust, in which he (1) disinherited all of his relatives, including his two nephews, James Kazliner and Martin Kazliner (collectively the Kazliners) and (2) named Ray Heusen,[4] his caregiver, as the successor trustee and the sole beneficiary of the trust upon his death (the trust amendment). Before Bernard Kazliner executed the amendment, the Kazliners were the only beneficiaries of the Bernard Kazliner Family Living Trust.

On April 14, 2008, Bernard Kazliner executed a will (April 2008 will). In the April 2008 will, Bernard Kazliner again disinherited all of his relatives, including the Kazliners. Moreover, the April 2008 will contains a pour-over provision giving all of Bernard Kazliner's estate to the Bernard Kazliner Family Living Trust. In sum, under the trust amendment and the April 2008 will, Heusen was to have acquired all of the Bernard Kazliner's assets when he died.

After Bernard Kazliner established his living trust, he failed to transfer all of his assets into the trust. For example, he transferred a bank account into the trust, but failed to transfer his house, which was his largest asset.

Bernard Kazliner died in December 2010. Thereafter, Heusen filed a petition for probate of the April 2008 will, for letters testamentary, and for authorization of independent administration of Bernard Kazliner's estate (petition for probate).

On about March 7, 2011, the Kazliners retained respondent to represent them "in connection with [their] claim as beneficiaries of [the Bernard Kazliner Family Living Trust] ...

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[4] Heusen is also son of the owner of the Garden of Angel Care Nursing Home, which is where Bernard Kazliner lived before he died.

[and] any related actions." Not long thereafter, the Kazliners paid respondent $50,000 in advanced attorney's fees.[5]

Between March 8 and April 20, 2011, respondent not only filed objections to the petition for probate, but he also filed a petition seeking a declaration that the trust amendment was invalid and seeking the imposition of a constructive trust (petition to invalidate the trust amendment). Sometime in late April or early May 2011, Heusen and the Kazliners agreed to go to mediation.

The Kazliners agreed to go to mediation even though they suspected (or knew) that Heusen and his mother had withdrawn or accepted large sums of money from Bernard Kazliner before, and possibly after, he died. Further, before mediation, both respondent and the Kazliners knew that, while Bernard Kazliner was living at the Garden of Angel Care Nursing Home, Bank of America made a $250,000 loan that was secured by a mortgage and deed of trust on Bernard

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[5] In his fee agreement with the Kazliners, respondent improperly denominated the $50,000 as "[a] non-refundable retainer" that was "deemed fully earned upon receipt." Denominating the $50,000 as a non-refundable retainer and stating that it was fully earned upon receipt does not make it so. (*In the Matter of Lais* (Review Dept. 1998) 3 Cal. State Bar Ct. Rptr. 907, 923.) Legal fees paid to an attorney in advance must always be refunded under rule 3-700(D)(2) of the State Bar Rules of Professional Conduct unless, and until, they are actually earned. The only legal fee that is earned upon receipt is the *very* rare "true retainer fee," which is earned upon receipt because it is not paid for legal services to be performed, but is paid *solely* to ensure an attorney's availability to perform legal services in the future. (*Matthew v. State Bar* (1989) 49 Cal.3d 784, 787-788.) If any attorney performs any legal service in return of the retainer or if the client is to be given credit towards legal services for the retainer, the retainer in not a "true retainer fee." Clearly, the Kazliners did not pay respondent $50,000 solely for the purpose of ensuring respondent's availability to represent them because the fee agreement itself provides that the $50,000 will be applied to respondent's hourly fees. (*In the Matter of Lais, supra*, 3 Cal. State Bar Ct. Rptr. at p. 923.)

Another improper and overreaching provision in respondent's fee agreement with the Kazliners authorizes respondent's law office:

> to honor (without [a] duty to investigate or verify the authenticity of) any purported liens (whether or not incurred by us on your behalf, or purported to relate to this matter). You authorize us, without notice or other formality, to satisfy all such liens from the proceeds of any judgment, settlement or other disposition of this matter, or from sums on account in our trust account at the conclusion of our participation in this matter.

Kazliner's house.[6] After the mediation, the Kazliners asked respondent on a number of occasions to determine whether they had a valid predatory lending claim against Bank of America.

The parties attended and settled their disputes at the mediation. That same day, the parties signed a written settlement agreement, which respondent approved as to form *and* content for the Kazliners and which opposing counsel Paul N. Gautreau also approved as to form *and* content for Heusen. That agreement includes the following terms:

1. The Kazliners' objections to the petition for probate would be sustained, and the petition for probate would be denied.

2. The petition to invalidate the trust amendment would be granted.

3. The Kazliners would be appointed as co-executors of Bernard Kazliner's estate, and Martin Kazliner would be deemed the sole successor trustee of the Bernard Kazliner Family Living Trust.

4. All the assets of Bernard Kazliner, including his house, were deemed to be assets of the Bernard Kazliner Family Living Trust and were to be distributed to the Kazliners in equal shares.

5. All of Heusen's interests in Bernard Kazliner's assets were assigned to the Kazliners.

6. The Bernard Kazliner Family Living Trust was to pay Heusen a total of $100,000 as follows:

    a. $50,000 to Heusen within 10 days after the entry of the superior court order approving the settlement agreement *and* the transfer of all of Bernard Kazliner's assets to the trust; and

    b. $50,000 to the Paul N. Gautreau client trust account out of the proceeds from the sale of Bernard Kazliner's house.

7. The agreement was binding on the parties, but conditional on approval by the Los Angeles Superior Court.

[6] Despite both respondent and the Kazliners testifying that they first became aware of the loan at the May 17, 2011, mediation, an email on May 11, 2011, between them clearly indicates that they were aware of the loan.

On June 2, 2011, respondent filed (1) a petition for court approval of the settlement agreement and (2) a petition for an order declaring the trust amendment invalid. The superior court granted both of those petitions at hearing on August 8, 2011. The superior court's rulings were noted in a minute order on August 8, 2011. That minute order directed respondent to prepare a formal order of the court's rulings for the court to sign.[7]

On August 16 and November 15, 2011, the Kazliners emailed respondent regarding the status of certain non-trust assets, which they wanted to make sure were transferred into the trust so that they would not go through probate. Respondent received those emails and responded that the settlement agreement characterized those assets as trust assets to avoid probate.

In August 2011, respondent prepared and submitted to the superior court, a proposed formal order declaring the trust amendment invalid. The proposed formal order respondent prepared and submitted to the court did not approve the settlement agreement. Even though the formal order declared the trust amendment invalid but did not approve the settlement agreement. Gautreau, like respondent, approved the proposed formal order both as to form and content. Respondent submitted the proposed formal order to the superior court on August 29, 2011, and the superior court signed and filed it the same day.

According to respondent, he did not include an order approving the settlement agreement in the proposed formal order he prepared and submitted because the Kazliners did not have $50,000, which respondent insists that the Kazliners would have been required to pay Heusen within 10 days after the superior court signed an order approving the settlement agreement. After reflecting on the record as a whole and after carefully weighing and considering respondent's demeanor while testifying and the manner in which he testified, his personal

[7] The superior court's minute order follows the probate notes for August 8, 2011. (See exhibit 10, page 2.) Following the text "Order to be Prepared By:" in the minute order, the court checked the box next the word "Attorney."

interest in the outcome of this proceeding, his capacity to accurately perceive, recollect, and communicate the matters on which he testified, and his attitude toward this disciplinary proceeding (see, e.g., Evid. Code, § 780 [factors to consider in determining credibility]), the court rejects, for want of credibility, respondent's testimony regarding his failure to include the order approving the settlement agreement in the proposed formal order he prepared and submitted to the superior court. The court's adverse credibility determination is supported by the documentary evidence (i.e., respondent's emails and text messages to the Kazliners).

Beginning on about August 31, 2011, and continuing into October 2011, Gautreau repeatedly asked respondent about the status of the formal order approving the settlement agreement and about the Kazliners' intent with respect to paying Heusen $50,000 within 10 days after the superior court approved the settlement agreement. Both respondent and Gautreau incorrectly believed that the Kazliners were required to pay Heusen $50,000 within 10 days after the entry of the superior court order approving the settlement agreement. As noted previously, the Bernard Kazliner Family Living Trust, not the Kazliners, was required to pay Heusen the $50,000, and the trust was not required to pay the $50,000 until 10 days after the court approve the settlement *and* all of Bernard Kazliner's asset had been transferred into the trust. At the time, respondent knew that all of the assets had not been transferred into the trust because the Kazliners were repeatedly seeking his assistance in transferring assets (e.g., GE stock) into the trust or obtaining possession of the assets.

On October 12, 2011, respondent spoke with Gautreau and told him that the settlement agreement could not yet be enforced because an order approving the settlement had not been entered. On October 21, 2011, Gautreau filed a motion, under Code of Civil Procedure section 664.6, seeking entry of judgment against the Kazliners pursuant to the terms of the settlement agreement. Gautreau properly served that motion on the Kazliners by mailing a copy to

respondent at his law office address listed on the pleadings he filed in the superior court matter and by mailing a copy to respondent at his law office address that is set forth in section 11 of the settlement agreement as the address for providing notice to the Kazliners. The address for respondent's law office on the pleading respondent filed in the superior court matter and the address for respondent's law office that is set forth in section 11 of the settlement agreement is an address on 6th Street in Santa Monica, California. Sometime in October 2011, respondent moved his law office from the address on 6th Street in Santa Monica to an address in Beverly Hills, California. Other than purportedly submitting a mail forwarding order to the United States Postal Service and purportedly asking the office manager at his former law office address on 6th Street in Santa Monica to advise him of any mail being delivered there, respondent did not take any steps to notify Gautreau or the superior court of the fact that he had moved his law office from Santa Monica to Beverly Hills.

In mid-January 2012, respondent moved his law office from the address in Beverly Hills to an address on Ventura Boulevard in Woodland Hills, California. Respondent admits that he failed to promptly update his law office address on the State Bar's membership records within 30 days after both moves.

In his declaration in support of the motion for judgment against the Kazliners, Gautreau sets forth in detail the numerous times he inquired of respondent about a formal order approving the settlement agreement, and respondent's inadequate responses and failures to respond. Gautreau attached to his declaration copies of his September 26 and October 13, 2011, emails to respondent notifying respondent of his intent to file a motion for entry of judgment against the Kazliners and seeking to recover attorney's fees and costs for preparing and filing the motion from the Kazliners. In his October 31, 2011, email to respondent, Gautreau generously proposed ways to resolve the dispute with the superior court's involvement (e.g., he proposed having the

Kazliners execute escrow instructions authorizing Heusen to be paid when Bernard Kazliner's house was sold). Not only did respondent fail to respond to Gautreau's emails, but respondent also failed to inform the Kazliners about them even though they both were significant developments in the Kazliners' matter.

A hearing on the motion for entry of judgment against the Kazliners was set for November 23, 2011, but the record does not clearly establish whether that hearing was actually held. Nor does the record clearly establish whether the superior court even ruled on that motion. The record does, however, clearly establish that, on December 22, 2011, Gautreau served a copy of a proposed formal order approving the settlement agreement on respondent by mailing a copy to him at his law office address on 6th Street in Santa Monica and that the superior court signed and filed that order on December 29, 2011.

Respondent admits that he failed to tell the Kazliners that Heusen had filed a motion for entry of judgment against them or that the superior court had signed a formal order approving the settlement agreement. Respondent claims that he did not tell the Kazliners of these significant developments because he was unaware of them. Respondent claims that he never received the service copies of the motion for entry of judgment against the Kazliners or of the formal order approving the settlement agreement. Respondent further claims that first time he learned of the motion for judgment and the formal order approving the settlement agreement was when OCTC asked him about them during its investigation of the Kazliners' bar complaint against him. The court rejects these claims for want of credibility.

In October 2011, the Kazliners listed Bernard Kazliner's house for sale. Shortly thereafter, they sold the house. On November 22, 2011, while the sale of the house was still in escrow, Gautreau submitted a demand for payment to the escrow agent for $108,346.45 ($100,000 due Heusen under the settlement agreement plus, apparently, an extra $8,346.45 in

claimed attorney's fees). When escrow closed in November 2011, the escrow agent paid Heusen $108,346.45 out of proceeds the Kazliners received from the sale of Bernard Kazliner's house. The Kazliners had no idea why the demand was for more than $100,000. They sent respondent emails on the issue on November 22 and November 30, 2011, but respondent failed to respond.[8]

From January 2012 through June 2012, the Kazliners sent respondent numerous text messages and emails inquiring about the status of the court orders, how to obtain access to all of Bernard Kazliner's various accounts, and whether they had a valid predatory lending claim against Bank of America. Respondent received these communications, but either did not respond to them for weeks at a time or provided non-substantive responses that did not address his clients' concerns or made something up to placate them.

On March 20, 2013, at OCTC's suggestion, James Kazliner sent respondent a letter requesting an accounting of $50,000 in advanced fees, the Kazliners' client file, and a refund of all unused fees. Subsequently, because respondent failed to obtain and provide the Kazliners with the formal superior court order approving the settlement agreement, which respondent told them they would need to obtain possession of all of Bernard Kazliner's assets that had not been transferred into the trust, the Kazliners had to retain a successor attorney to complete the transfer of all of Bernard Kazliner's assets into the Bernard Kazliner Family Living Trust. The Kazliners paid the successor attorney a total of $1,100 in attorney's fees for his legal services.

Near the time respondent received the letter requesting an accounting from James Kazliner, respondent also received a letter from an OCTC investigator, informing him that the Kazliners had filed a bar complaint against him. Approximately one to two weeks after

[8] Presumably, the $8,346.45 was to compensate Heusen for the attorney's fees Gautreau charged him for preparing and filing the motion for entry of judgment against the Kazliners and the proposed formal order approving the settlement agreement. The record, however, does not establish what the extra $8,346.45 was for by clear and convincing evidence. Nor does the record clearly establish that Heusen was actually entitled to demand and collect the extra $8,346.45 from the Kazliners.

receiving the letter from the investigator, respondent delivered an accounting and the Kazliners' client file, not to his former clients, but to his attorney in this disciplinary proceeding.

On June 6, 2013, after receiving an extension time from the OCTC investigator, respondent's attorney forwarded respondent's accounting and the Kazliners' client file to the OCTC investigator, who thereafter forwarded them to the Kazliners. Upon receipt, the Kazliners discovered and notified OCTC that respondent's accounting erroneously contained charges that were not related to their matter. Thereafter, on October 1, 2013, OCTC sent respondent a letter informing him that his June 6, 2013, accounting contained obvious errors. On November 5, 2013, respondent provided, not to his former clients, but to OCTC a corrected accounting. The Kazliners did not receive the corrected accounting until April or May 2014.

Conclusions of Law

Count One – Rule 3-110(A) (Failure to Perform Competently)

Rule 3-110(A) provides that an attorney must not intentionally, recklessly, or repeatedly fail to perform legal services with competence. Negligently failing to perform legal services competently "even that amounting to legal malpractice, does not establish a rule 3-110(A) violation." (*In the Matter of Torres* (Review Dept. 2000) 4 Cal. State Bar Ct. Rptr. 138, 149.) The record in the present proceeding, however, does not merely establish that respondent negligently failed to perform legal services competently. When respondent's failure to prepare and submit to the superior court a proposed formal order approving the settlement agreement, and respondent's failure to complete the legal services relating to transferring all of Bernard Kazliner's assert into the Bernard Kazliner Family Living Trust are viewed collectively, along with respondent's failure to adequately communicate with the Kazliners by not promptly responding to their reasonable status inquires and by not informing them of significant developments in their matter (*Calvert v. State Bar* (1991) 54 Cal.3d 765, 782 ["Adequate

communication with clients is an integral part of competent professional performance as an attorney"]), the record establishes, by clear and convincing evidence, that respondent repeatedly, if not recklessly, failed to perform legal services competently in willful violation of rule 3-110(A).

Respondent failed to competently perform legal services when he failed to promptly prepare and submit to the superior court a formal order approving the settlement agreement following the August 8, 2011, hearing. The court rejects respondent's contention that he was not required to prepare and submit such a formal order. First, after a court rules on a motion at a hearing, the party prevailing on the motion is required to prepare a formal order for the court to sign even if the court does not direct that an order be prepared. (Cal. Rules of Court, rule 3.1312(a).)[9] Second, as noted previously, the superior court's minute order itself reflects that respondent was directed to prepare and submit such an order. In fact, "when the trial court's minute order expressly indicates that a written order will be filed, only the written order is the effective order. [Citation.]" (7 Witkin, Cal. Procedure (5th ed. 2008) Judgment, § 54, p. 590, citing *In re Marriage of Drake* (1997) 53 Cal.App.4th 1139, 1170.)

Respondent also failed to competently perform legal services when he failed to complete the legal services relating to transferring all of Bernard Kazliner's assets into the Bernard Kazliner Family Living Trust, or otherwise transferring possession of Bernard Kazliner's assets to the Kazliners. The court rejects for want of credibility respondent's contention that he explained to the Kazliners that transferring all of the assets into the trust was a "ministerial" task that did not involve or require him to provide such services. Respondent's contention is inconsistent with, if not rebutted by, the emails and text messages he sent to the Kazliners. Moreover, respondent repeatedly told the Kazliners that an order approving the settlement

[9] The court orders that OCTC's August 12, 2015, request for the court to take judicial notice of California Rules of Court, rule 3.1312 is GRANTED.

agreement was needed to effectuate the transfers of assets into the trust. He also sent the Kazliners text messages to the same effect.

Respondent also failed to promptly respond to numerous reasonable status inquiries from the Kazliners. Moreover, respondent failed to promptly inform the Kazliners of significant developments in their matter, in that respondent failed to inform the Kazliners that he had not and did not intend to submit a proposed formal order approving the settlement agreement, that Gautreau had filed, on Heusen behalf, a motion for entry of judgment against them, and that the superior court filed a formal order approving the settlement agreement.

To the extent that respondent contends that he is not culpable of failing to notify the Kazliners of the motion for judgment against them or of the superior court's formal order approving the settlement agreement because he did not have knowledge of them as he purportedly never received the service copies of that motion and order, the court rejects it. First, as noted previously, the court does not find respondent's claim that the did not receive the service copies of the motion and order to be credible. Second, even if the court found respondent's claim that he never received those service copies credible, respondent's lack of knowledge would not excuse respondent's failure to notify the Kazliners of the motion and order because any such lack of knowledge would have been the result of respondent's failure to comply with his duty to keep opposing counsel Gautreau and the superior court apprised of his changes of addresses. (Cf. *In the Matter of Bach* (Review Dept. 1991) 1 Cal. State Bar Ct. Rptr. 631, 643.)

The record fails to clearly establish that respondent did not notify the Kazliners that he was not going to pursue the Bank of America predatory lending issue. As noted previously, respondent told the Kazliners that they did not have a predatory lending claim unless they could prove that Heusen received the $250,000 loan proceeds. OCTC failed to establish that the

Kazliners could have proved that Heusen, and not Bernard Kazliner, received the $250,000 in loan proceeds or that the Kazliners informed respondent of that they could establish that Heusen obtained the $250,000.

Count Two -- Rule 4-100(B)(3)(Maintain Records of Client Property/Account)

Rule 4-100(B)(3) provides that an attorney must maintain records of all client funds, securities, and other properties coming into the attorney's possession, and that an attorney render appropriate accounts to the client regarding such property. The review department has held that an attorney has a duty to account to a client for any legal fees paid in advance. *In the Matter of Fonte* (Review Dept. 1994) 2 Cal. State Bar Ct. Rptr. 752, 757-758.) The record establishes, by clear and convincing evidence, that respondent failed to timely provide the Kazliners with an accurate account of the $50,000 in advanced fees. Providing OCTC with an accounting does not satisfy the requirements of rule 4-100(B)(3). (*In the Matter of Conner* (Review Dept. 2008) 5 Cal. State Bar Ct. Rptr. 93, 103-104.)

Counts Three and Four -- § 6068, subd. (m) (Failure to Communicate)

Section 6068, subdivision (m), provides that an attorney has a duty to promptly respond to reasonable status inquiries of clients and to keep clients reasonably informed of significant developments in matters with regard to which the attorney has agreed to provide legal services. As noted previously, the court relied upon respondent's failures to promptly respond to the Kazliners' reasonable status inquires and to keep the Kazliners reasonably informed of significant developments in their matter to find respondent culpable on count one, which charges a more serious violation (i.e., failing to perform legal services competently in violation of rule 3-110(A)); accordingly, it would duplicative, if not improper, to again rely upon those same failures to find a willful violation of section 6068, subdivision (m). (*In the Matter of Ward* (Review Dept. 1992) 2 Cal. State Bar Ct. Rptr. 47, 57.) Therefore, the court orders that counts

three and four are DISMISSED with prejudice. (*In the Matter of Valinoti* (Review Dept. 2002) 4 Cal. State Bar Ct. Rptr. 498, 536.)

Count Five -- Rule 3-700(D)(1)(Failure to Return Client Papers/Property)

Rule 3-700(D)(1) requires an attorney, upon termination of employment, to promptly release to the client, at the client's request, all client papers and property, subject to any protective order or non-disclosure agreement. The record establishes, by clear and convincing evidence, that respondent failed to promptly release to the Kazliners all client papers and property as requested by the client in willful violation of rule 3-700(D)(1). Respondent's providing the Kazliners' client file to OCTC does not satisfy the requirements of rule 3-700(D)(1). (Cf. *In the Matter of Conner, supra*, 5 Cal. State Bar Ct. Rptr. at pp. 103-104.)

Aggravation

OCTC is required to prove each aggravating circumstance by clear and convincing evidence. (Rules Proc. of State Bar, tit. IV, Stds. for Atty. Sanctions for Prof. Misconduct, std. 1.5;[10] *In re Morse* (1995) 11 Cal.4th 184, 206.) There are four aggravating factors.

Multiple Acts (Std. 1.5(b).)

Respondent's misconduct evidences multiple acts of misconduct.

Overreaching (Std. 1.5(g).)

Respondent misconduct was surrounded by overreaching. As noted previously, respondent's fee agreement with the Kazliners contained at least two improper and overreaching provision. Respondent's fee agreement improperly stated that the $50,000 advance fee was earned upon receipt and improperly gave respondent the right to discharge invalid liens with client funds. These improper provisions establish overreaching, even if respondent never attempted to assert or rely on them to his clients' determent. The inclusion of a clearly improper

[10] All further references to standards are to this source.

provision in a fee agreement alone evidences an intent to rely on it or to otherwise secure an advantage over the client.

Uncharged, But Proved, Misconduct (Std. 1.5(h).)

In addition to finding respondent culpable on three counts of charged misconduct, the court also finds respondent culpable on one count of *uncharged*, but proved, misconduct for willfully violating his duty, under sections 6068, subdivision (j) and 6002.1 (i.e., to notify the State Bar's membership records office of any change in his current office address within 30 days of the change). The court considers this uncharged violation only for purposes of aggravation. (See, e.g., *Edwards v. State Bar* (1990) 52 Cal.3d 28, 35-36 [uncharged, but proved misconduct may not be used as an independent ground of discipline, but may be considered, in appropriate circumstances, for other purposes such as aggravation].)

Significant Harm (Std. 1.5(j).)

Respondent's failure to complete the legal services regarding the transfer of all of Bernard Kazliner's assets into the living trust significantly harmed the Kazliners because it delayed their obtaining title to and the possession, use, and benefits of Bernard Kazliner's assets, and also because they paid $1,100 in legal fees to a successor attorney to complete the legal services. The court will, in furtherance of respondent's rehabilitation, attach a condition to respondent's reproval requiring respondent to pay restitution with interest to the Kazliners for the $1,100 in legal fees they paid to the successor attorney. (E.g., *In the Matter of Aguiluz* (Review Dept. 1992) 2 Cal. State Bar Ct. Rptr. 32, 40, fn. 7, & 46.)

As noted previously, the record does not clearly establish that the found misconduct caused or required the escrow agent to pay Heusen an extra $8,346.50 out of the proceeds from the sale of Bernard Kazliner's house. Accordingly, the court rejects OCTC's contention that respondent's misconduct caused the Kazliners harm in an additional amount of $8,346.45. For

the same reason, the court will not attach a condition to respondent's reproval requiring respondent to pay $8,346.45 in additional restitution.

Mitigation

Respondent is required to prove each mitigating circumstance by clear and convincing evidence. (Std. 1.6; *In re Morse, supra,* 11 Cal.4th at p. 206.) Respondent is entitled to the mitigation for two factors.

No Prior Record (Std. 1. 6(a).)

Respondent does not have a prior record of discipline. Moreover, respondent practiced law for 38 years before he engaged in the misconduct found in this proceeding. Respondent's 38 years of misconduct-free practice is compelling mitigation.

Candor/Cooperation with OCTC (Std. 1.6(e).)

Respondent' s cooperation in entering into the partial stipulation of facts with OCTC is also a mitigating circumstance. (Cf. *In the Matter of Johnson* (Review Dept. 2000) 4 Cal. State Bar Ct. Rptr. 179, 190 [*extensive mitigation* is afford to respondents who both stipulate to facts and admit culpability].)

Discussion

The purpose of State Bar Court disciplinary proceedings is not to punish the attorney, but to protect the public, the courts, and the legal profession, to preserve public confidence in the profession, and to maintain the highest possible professional standards for attorneys. (Std. 1.1; *Chadwick v. State Bar* (1989) 49 Cal.3d 103, 111; *Cooper v. State Bar* (1987) 43 Cal.3d 1016, 1025.) Thus, "[t]he imposition of attorney discipline does not issue from a fixed formula but from a balanced consideration of all relevant factors, including aggravating and mitigating circumstances." (*Rodgers v. State Bar* (1989) 48 Cal.3d 300, 316.) Furthermore, even purported mandatory standards can be tempered by "considerations peculiar to the offense and the

offender." (*Howard v. State Bar* (1990) 51 Cal.3d 215, 221-221; *In the Matter of Van Sickle* (Review Dept. 2006) 4 Cal. State Bar Ct. Rptr. 980, 994.)

In determining the appropriate level of discipline, the court looks first to the standards for guidance. (*Drociak v. State Bar* (1991) 52 Cal.3d 1085, 1090; *In the Matter of Koehler* (Review Dept. 1991) 1 Cal. State Bar Ct. Rptr. 615, 628.) Second, the court looks to decisional law for further guidance. (*Snyder v. State Bar* (1990) 49 Cal.3d 1302, 1310-1311; *In the Matter of Taylor* (Review Dept. 1991) 1 Cal. State Bar Ct. Rptr. 563, 580.)

Standard 1.7(a) provides that, when two or more acts of misconduct are found in a single disciplinary proceeding and different sanctions are prescribed for those acts, the recommended sanction is to be the most severe of the different sanctions. The most severe sanction for the found misconduct is found in standard 2.2(b), which applies to respondent's violation of his duty to account under rule 4-100(B)(3). Standard 2.2(b) provides: "Suspension or reproval is the presumed sanction for any other violation of Rule 4-100.".

The court finds *Van Sloten v. State Bar* (1989) 48 Cal.3d 921 instructive on the level of discipline. In that case, the attorney, who had no prior record of discipline and a little more than five years of misconduct free practice, represented a client in a marital dissolution proceeding. The attorney worked on the matter for the first five months and submitted a proposed settlement agreement to the opposing party, but, thereafter, failed to communicate with his client or to take any action on the matter. The client hired a successor attorney, who completed the dissolution.

In *Van Sloten*, the review department recommended that the attorney be placed on two years' stayed suspension and two years' probation on conditions, but no actual suspension. The Supreme Court, however, rejected the recommendation as excessive for the attorney's failure to perform the requested legal services without serious consequences to the client, which was aggravated by the attorney's lack of appreciation for the discipline process and the charges

against him. The Supreme Court placed the attorney on six months' stayed suspension and one year's probation on conditions, but no actual suspension.

In light of respondent's 38 years of misconduct free practice, the court concludes that the appropriate level of discipline for the found misconduct is a public reproval with conditions attached for two years.

Public Reproval

The court orders that respondent **PAUL LAWRENCE STANTON**, State Bar number 108605, is **PUBLICLY REPROVED** for the misconduct found in this proceeding. (Bus. & Prof. Code, § 6078; Rules Proc. of State Bar, rule 5.127(A)&(B).) This reproval is effective upon the finality of this decision. (Rules Proc. of State Bar, rule 5.127(A); see also Rules Proc. of State Bar, rules 5.112-5.115, 5.151.)

The court further orders (1) that the probation conditions set forth below are attached to the reproval for a period of two years after the effective date of the reproval. (Cal. Rules of Court, rule 9.19(a); Rules Proc. of State Bar, rule 5.128.)

The court finds that the probation conditions set forth below will serve to protect the public and to further Paul Lawrence Stanton's interests. Paul Lawrence Stanton's failure to comply with any of the conditions attached to his reproval is punishable as a willful violation of rule 1-110 of the State Bar Rules of Professional Conduct. (Cal. Rules of Court, rule 9.19(b).)

Probation Conditions Attached to Reproval

1. Paul Lawrence Stanton must comply with the provisions of the State Bar Act, the State Bar Rules of Professional Conduct, and all of the conditions attached to this reproval.

2. Within 30 days after the effective date of this reproval, Paul Lawrence Stanton must contact the State Bar's Office of Probation in Los Angeles and schedule a meeting with his assigned probation deputy to discuss the conditions attached to this reprovals. Upon the direction of the Office of Probation, Stanton must meet with his probation deputy either in-person or by telephone. Thereafter, Stanton must promptly meet with his probation deputy as directed and upon request of the Office of Probation.

3. Within 10 days of any change in the information required to be maintained on the membership records of the State Bar pursuant to Business and Professions Code section 6002.1, subdivision (a), including his current office address and telephone number, or if no office is maintained, the address to be used for State Bar purposes, Paul Lawrence Stanton must report such change in writing to the State Bar's Membership Records Office and to the State Bar's Office of Probation.

4. Paul Lawrence Stanton must submit written quarterly reports to the State Bar's Office of Probation in Los Angeles no later than each January 10, April 10, July 10, and October 10. In each report, Stanton must state, under penalty of perjury under the laws of the State of California, whether he has complied with the State Bar Act, the State Bar Rules of Professional Conduct, and all conditions attached to his reproval during the preceding calendar quarter. If the first report will cover less than 30 days, then the first report must be submitted on the next following quarter date and cover the extended period.

   In addition to all quarterly reports, Stanton is to submit a final report containing the same foregoing information during the last 20 days of the two-year period after the effective date of his reproval.

5. Within one year after the effective date of this reproval, respondent must provide to the State Bar's Office of Probation in Los Angeles satisfactory proof of his attendance at a session of the State Bar Ethics School and of his passage of the test given at the end of that session.

6. Within one year after the effective date of this reproval, respondent must take and pass the Multistate Professional Responsibility Examination and provide satisfactory proof of such passage to the State Bar's Office of Probation in Los Angeles.

7. Subject to the assertion of any applicable privilege, Paul Lawrence Stanton is to fully, promptly, and truthfully answer all inquiries of the State Bar's Office of Probation that are directed to him, whether orally or in writing, relating to whether he is complying or has complied with the conditions attached to his reproval.

8. Within two years after the effective date of this public reproval, Paul Lawrence Stanton must make restitution to James Kazliner and Martin Kazliner, jointly, in the amount of $1,100 plus 10 percent simple interest thereon per year from January 1, 2013, until paid. Any restitution owed to the Client Security Fund is enforceable as provided in Business and Professions Code section 6140.5, subdivisions (c) and (d).

Costs

Finally, the court orders that costs are awarded to the State Bar in accordance with

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Business and Professions Code section 6086.10 and that the costs are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

Dated: November 23, 2015.

W. KEARSE McGILL
Judge of the State Bar Court

CERTIFICATE OF SERVICE

[Rules Proc. of State Bar; Rule 5.27(B); Code Civ. Proc., § 1013a(4)]

I am a Case Administrator of the State Bar Court of California. I am over the age of eighteen and not a party to the within proceeding. Pursuant to standard court practice, in the City and County of Los Angeles, on November 23, 2015, I deposited a true copy of the following document(s):

DECISION & PUBLIC REPROVAL WITH CONDITIONS ATTACHED

in a sealed envelope for collection and mailing on that date as follows:

☒ by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

KEVIN P. GERRY
711 N SOLEDAD ST
SANTA BARBARA, CA 93103

☒ by interoffice mail through a facility regularly maintained by the State Bar of California addressed as follows:

ANN J. KIM, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on November 23, 2015.

Paul Barona

Paul Barona
Case Administrator
State Bar Court

The document to which this certificate is affixed is a full, true and correct copy of the original on file and of record in the State Bar Court.

ATTEST September 13, 2018
State Bar Court, State Bar of California,
Los Angeles

By _____
Clerk

CERTIFICATE OF SERVICE

[Rules Proc. of State Bar; Rule 5.27(B); Code Civ. Proc., § 1013a(4)]

I am a Court Specialist of the State Bar Court of California. I am over the age of eighteen and not a party to the within proceeding. Pursuant to standard court practice, in the City and County of Los Angeles, on November 20, 2018, I deposited a true copy of the following document(s):

STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING

in a sealed envelope for collection and mailing on that date as follows:

☒ by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

KEVIN P. GERRY
711 N SOLEDAD ST
SANTA BARBARA, CA 93103 - 2437

☒ by interoffice mail through a facility regularly maintained by the State Bar of California addressed as follows:

ABRAHIM M. BAGHERI, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on November 20, 2018.

Mazie Yip
Court Specialist
State Bar Court